

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 247 be amended to read as follows:

- 1 Page 3, line 10, delete "does" and insert "**do**".
- 2 Page 3, after line 41, begin a new paragraph and insert:
- 3 "SECTION 3. [EFFECTIVE JANUARY 1, 2001 (RETROACTIVE)]
- 4 **(a) This SECTION applies notwithstanding the following:**
- 5 **IC 6-1.1-3-7.5**
- 6 **IC 6-1.1-10-10**
- 7 **IC 6-1.1-10-13**
- 8 **IC 6-1.1-10-31.1**
- 9 **IC 6-1.1-11**
- 10 **IC 6-1.1-12.1-5.4**
- 11 **50 IAC 4.2-11**
- 12 **50 IAC 4.2-12-1**
- 13 **50 IAC 10-3**
- 14 **50 IAC 16.**
- 15 **(b) As used in this SECTION, "taxpayer" means a taxpayer in**
- 16 **a county containing a consolidated city that filed:**
- 17 **(1) an original personal property tax return under IC 6-1.1-3**
- 18 **for the March 1, 2001, assessment date using a consolidated**
- 19 **return, Form 103-C; and**
- 20 **(2) before March 1, 2003, a Form 133 petition for correction**
- 21 **of an error with respect to the assessed value of the**
- 22 **taxpayer's personal property on the March 1, 2001,**
- 23 **assessment date.**

1 (c) Before January 1, 2005, a taxpayer may file an amended  
2 personal property tax return for the March 1, 2001, assessment  
3 date.

4 (d) A taxpayer that files an amended personal property tax  
5 return under subsection (c) is entitled to the following exemptions  
6 for the March 1, 2001, assessment date:

7 (1) An exemption for an industrial waste control facility  
8 under IC 6-1.1-10-9.

9 (2) An exemption for an air pollution control system under  
10 IC 6-1.1-10-12.

11 (3) An exemption for tangible personal property under  
12 IC 6-1.1-10-29, as in effect on March 1, 2001.

13 (4) An exemption for tangible personal property under  
14 IC 6-1.1-10-29.3.

15 (5) An exemption for tangible personal property under  
16 IC 6-1.1-10-30.

17 (e) The amount of an exemption described in subsection (d)(1)  
18 or (d)(2) is based on the total cost of the industrial waste control  
19 facility or air pollution control system reported by the taxpayer on  
20 a Form 103-P that must be filed with the amended personal  
21 property tax return filed under subsection (c).

22 (f) The total amount of the exemptions described in subsection  
23 (d)(3) through (d)(5) is:

24 (1) the total cost of the taxpayer's finished goods reported on  
25 Schedule B, line 3, of the taxpayer's amended personal  
26 property tax return filed under subsection (c); multiplied by

27 (2) the ratio reported by the taxpayer on the Form 103-W  
28 filed with the taxpayer's amended personal property tax  
29 return.

30 (g) Before January 1, 2005, a taxpayer may file with the county  
31 auditor an application for a deduction from assessed valuation for  
32 new manufacturing equipment in an economic revitalization area  
33 for the March 1, 2001, assessment date. The taxpayer shall include  
34 all necessary attachments to the deduction application.

35 (h) If a taxpayer files an amended personal property tax return  
36 under subsection (c) and a deduction application described in  
37 subsection (g), the taxpayer is entitled to a credit in the amount  
38 of the taxes paid by the taxpayer on the remainder of:

39 (1) the assessed value reported on the taxpayer's original  
40 personal property tax return for the March 1, 2001,  
41 assessment date; minus

42 (2) the assessed value reported on the taxpayer's amended  
43 personal property tax return for the March 1, 2001,

1           assessment date filed under subsection (c).

2       For purposes of calculating the credit allowed under this  
3       subsection, the assessed value reported on the taxpayer's  
4       amended personal property tax return filed under subsection (c)  
5       shall be reduced by the amount of the deduction claimed on the  
6       deduction application filed under subsection (g).

7       (i) The county auditor shall reduce the amount of the credit to  
8       which a taxpayer is entitled under subsection (h) by the amount  
9       of any property tax refunds paid:

10           (1) to the taxpayer for personal property taxes based on the  
11           March 1, 2001, assessment date; and

12           (2) before the date the taxpayer files an amended personal  
13           property tax return under subsection (c).

14       (j) Notwithstanding IC 6-1.1-26, the county auditor shall apply  
15       the full amount of the credit allowed under subsection (h) against  
16       the taxpayer's property tax liability for property taxes first due  
17       and payable in 2004. If the full amount of the credit allowed under  
18       subsection (h) exceeds the taxpayer's property tax liability for  
19       property taxes first due and payable in 2004, the county auditor  
20       shall apply the amount of the excess credit against the taxpayer's  
21       property tax liability in each succeeding year until the credit is  
22       exhausted. However, the county auditor may refund the  
23       remaining credit amount at any time before the credit is  
24       exhausted.

25       (k) A taxpayer is not required to file a separate application for  
26       the credit allowed under subsection (h).

27       (l) This SECTION expires January 1, 2007.

28       SECTION 4. An emergency is declared for this act."

(Reference is to ESB 247 as printed February 17, 2004.)

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Representative Crawford